Remarks

Applicants' undersigned attorney notes the restriction requirement made in the Official Action to which this is a Response.

Th Examiner has suggested restriction of the claims to be examined among eight groupings:

Group I	Claims 1-5, 19-21 and 28-30
Group II	Claims 6-8 and 31
Group III	Claims 9-10
Group IV	Claims 11-13
Group V	Claims 14-16 and 24-25
Group VI	Claims 17-18
Group VII	Claims 22-23 and 32
Group VIII	Claims 26-27 and 33

Applicants respectfully traverse this restriction requirement, request that it be reconsidered and reversed, and that examination of the application go forward with all claims being considered or, alternatively, with a lesser number of groups

The Examiner suggests that the groups are to be searched in the following art Classes:

Groups I - III, V, VI, VIII	Class 455
Groups IV, VII	Class 370

The Examiner correctly states that: "Inventions are unrelated if it can be shown that (1) they are not disclosed as capable of use together and (2) they have different modes of operation, different functions, or different effects. (Emphasis added.) These are two separate and linked requirements, both of which must be met in order for the restriction requirement to be proper.

Concerning the first requirement, the present specification draws a distinction between two embodiments of the invention, and clearly discloses that the inventions (as defined by the claims) for each of the two embodiments can be used together. The Examiner has suggested that such use is restricted to being within the respective embodiments, by finding areas of art in two broad classes, 455 and 370. It is submitted that the inventions related to the first embodiment can be used together, while the inventions related to the second embodiment can also be used together. While applicants' attorney believes that all of the inventions have been disclose as being used together and thus fail to meet the test of the first requirement, it is agreed that there may be questions about the applicability of the second requirement with respect to certain groupings.

Concerning the second requirement, it is elementary that the inventions are defined by the claims. Thus in assessing the propriety of the restriction requirement, the language of the claims must be taken into consideration. The Examiner has used the language of the claims to assert that the inventions defined there are found in differing subclasses of the relevant classes. This ignores, in the view of applicants' attorney, the fact that the searches necessitated by the claim language will span more than a single subclass. Thus, for the invention of any single claim, it is anticipated that the Examiner must search several subclasses. It is submitted that the classification system of the Patent Office is not of such certain granularity that only a single subclass need be searched for a particular claim.

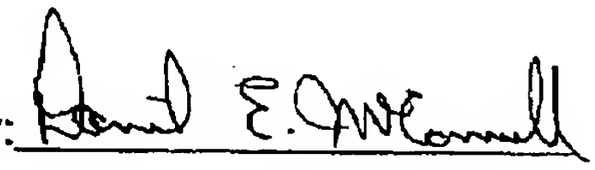
This is supported by consideration of the language of the claims. For example, the broadly recited apparatus element of "a radio" is found in claims grouped in Groups I, III, IV, and V. The recited apparatus element of "a non-volatile storage device" is found in claims grouped in Groups I, and II. The recited apparatus element of "a radio control unit" is found in claims grouped in Groups I, II, IV, The indication of such characteristics can be extended, but these

examples are considered sufficient for present purposes to indicate that the searching effort will encompass a number of subclasses and that a number of the proposed groupings of invention can properly be searched together.

It is the contention of applicants' attorney that the test expressed by the Examiner in support of the restriction requirement has not been met and that the requirement is improper and should be withdrawn, with the next step being consideration of all claims presented for search and further action. Alternatively, should the Examiner remain of a different view, it is the contention of applicants' attorney that the groupings are excessive and should be reduced to only two, with new Group I including prior Groups I - III, V, VI and VIII and new Group II including prior Groups IV and VII.

Finally, it is recognized that an acceptable response, from the view of the Office, must include an election of one of the group identified by the Examiner. Solely for purposes of completeness of the response required by the Office, applicants elect the claims of Group I (either prior or new) for further examination should the Examiner remain of the views first expressed.

Respectfully submitted,

By: 

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